

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated June 18, 2009.

Claims 1, 2, 4 and 5 are pending in the application. Claims 1, 2, 4 and 5 are stated to be obvious over Perlov (6,283,692), in view of Koji (JP63017706). Claims 1 and 2 are stated to be obvious over Ichiro (JP200231785), in view of Koji. Lastly, claims 4 and 5 are stated to be obvious over Ichiro, in view of Koji and Perlov. This rejection is identical to the rejection which was interposed in the final Rejection of January 6, 2009. Reconsideration is requested in view of the further amendments to claim 1 herein, the Examiner comments in the "Interview Summary" of March 31, 2009 and the following remarks.

The wording of claim 1 has been more precisely phrased whereby it is now very clear that each one of the plurality of displacing mechanisms is "connected to a corresponding single second shelf on said second shelf line" and furthermore, is "configured to displace the corresponding single second shelf in the vertical direction" (emphasis added). Moreover, the claimed control unit is configured to form the container transport path and that transport path is greater than the second predetermined interval. Significantly, this is achieved "by displacing at least one of said plurality of second shelves in the vertical direction by said displacing element."

The aforementioned functionality in claim 1 is achieved through the combined structure and functional interaction between the "displacing element" and the "control unit" of claim 1.

The beneficial effect of the apparatus of claim 1 is that, without having to move the container mount in the second shelf to another shelf (the first or the second shelf) by the transport element, the container transport path is beneficially formed. Stated differently, the displacing element of claim 1 has a plurality of displacing mechanisms. Of these plurality of displacing mechanisms, at least the one that corresponds to the minimum number of the second shelves which is necessary for forming the container transport path, is moved up and down to thereby create the desired container transport path for transporting the transporting mechanism in the horizontal direction.

As a result, with the apparatus of claim 1, the time required for moving the container is reduced while keeping the up and down burden of the container by the plurality of displacing mechanisms at a minimum.

Turning to the prior art, none of Perlov, Ichiro or Koji discloses or suggests the claim 1 structure and feature which is defined as: “each of a plurality of displacing mechanisms displaces a corresponding single second shelf in the vertical direction.” This is evident, for example, by noting and appreciating that each shelf of Perlov and Ichiro is fixed. Therefore, neither one of Perlov or Ichiro discloses or suggests the shelf corresponding to “the second shelf” in claim 1. Furthermore, the up and down driver (8) of Koji only moves an interior frame (6) itself upwardly and downwardly. But it is not possible to move the plurality of shelves (1) up and down individually. Still further, the plurality of shelves (1) of Koji do not have a one-to-one correspondence to the up and down driver (8). In other words, Koji does not disclose or suggest anything corresponding to the claimed “a plurality of displacing mechanisms” of claim 1.

The foregoing comments dispositively establish that none of Perlov, Ichiro or Koji discloses or even suggests the features of claim 1 that have been discussed above. Since, both structurally and functionally, the apparatus of claim 1 as presently defined, contains structure and functionality which is not disclosed by any of or even any combination of the three references of record, it is respectfully submitted that claim 1 is clearly patentable over the prior art of record.

The remaining claims in the application include all the limitations of claim 1 and impose further limitations thereon which places them even further away from the prior art whereby they should be found allowable on their own merit.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

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